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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,154	10/21/2003	Toshinobu Homan	4041J-000794	3916

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EXAMINER

FORD, JOHN K

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 05/03/2006



Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,154

Applicant(s)

HOMAN ET AL.

Examiner

John K. Ford

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/16/06
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 8 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 7 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/21/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/21/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Applicant's election of the first species, claims 1-3 and 7, without traverse, in a communication dated March 16, 2006 is acknowledged. Accordingly claims 4-6 and 8 are withdrawn from consideration here.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 appears that the use of some unusual language makes the claim somewhat cumbersome and difficult to comprehend without making reference to the disclosure. Specifically, the "condition in which the defogging operation is started is made to be difficult" recitation in claim 1, while descriptive, would, it is submitted, better read as - - a humidity condition in which the defogging operation is initiated is increased - -. If this is acceptable, an amendment consistent with that of claim 1 will have to be prepared for claim 2. As well the examiner is unsure how to read the word "or" in the last paragraph of claim 1 (second line). Does the claim require both capabilities or will one or the other satisfy the claim? By disclosure, applicant's system has both capabilities.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Takahashi (USP 4,910,967).


A humidity detector 200 for the windshield is disclosed and a manual means 500 to correct its output is disclosed. Note switches 28a-28c and the corresponding disclosure of how they affect the operation of the device. Because the windshield sensor losses its calibration over time, the manual input from the driver resets the threshold, making it more “difficult” if the sensor calibration has to be corrected. Regarding claim 3, note the counters “M” and “N” in Figure 3 and how they are incremented depending on demist switch position in Figure 3.

Claims 1-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (USP 4,910,967) and either of applicant submitted JP 07-179120 (without translation) or Oomura et al. (Pub. 2001/0010261) or Fedter et al (USP 4,917,293) or Adasek et al (USP 4,794,537).

Takahashi discloses a humidity detector 200 for the windshield and a manual means 500 to correct its output. Note switches 28a-28c. Because the windshield sensor losses its calibration over time, the manual input from the driver resets the threshold, making it more "difficult" if the sensor calibration has to be corrected.

To have used the system disclosed in Takahashi in any one of JP 07-179120 or Oomura or Fedter or Adasek to advantageously correct for humidity sensor calibration loss and thereby save on running the compressor unnecessarily would have been obvious to one of ordinary skill in the art.

Any inquiry concerning this communication should be directed to John K. Ford at telephone number 571-272-4911.



John K. Ford
Primary Examiner